

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

2015 CHEVROLET SILVERADO
VIN 3GCPCTECXFG515392,
Defendant

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CIVIL NO.: 5:20-CV-

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, Plaintiff in the above entitled and numbered cause, by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, files this action for forfeiture *in rem* against one 2015 Chevrolet Silverado pick-up truck, VIN: 3GCPCTECXFG515392, hereinafter “Defendant Vehicle”. In support of this forfeiture complaint, the United States alleges on information and belief the following:

JURISDICTION AND VENUE

1. Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, §§ 1345 and 1355. The Defendant Vehicle was at the Lincoln Juarez Port of Entry in Laredo, Texas by the Department of Homeland Security, Customs and Border Protection, and is located in the Southern District of Texas. Accordingly, Defendant Vehicle is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to Title 28, United States Code, §§ 1391(b) and 1395(a) and (b).

STATUTORY BASIS FOR FORFEITURE

3. This is a civil action *in rem* brought to enforce the provisions of Title 8, United States Code, Section 1324(b). The United States alleges that the Defendant Vehicle was used as a conveyance for the transportation of undocumented aliens in violation of Title 8, United States Code, Section 1324 and is subject to forfeiture.

FACTUAL BASIS FOR FORFEITURE

4. In support of the assertions in paragraph 3 above, Plaintiff would show the Court that on October 19, 2019, Yanet Yecenia Garcia, arrived in the Defendant Vehicle at the Lincoln Juarez Port of Entry in Laredo, Texas where she applied for admission into the United States from Mexico. Defendant Vehicle is owned by Yanet Yecenia Garcia.

5. Traveling with Yanet Yecenia Garcia were four passengers including two men that she claimed were her brothers and her two minor children. Yanet Yecenia Garcia presented a Customs and Border Protection officer with lawful permanent resident cards for the two men she claimed were her brothers.

6. A secondary inspection of the two male passengers and their respective resident alien cards was requested by the Customs and Border Protection officer. During the secondary inspection, Customs and Border Protection officers determined that the two male passengers, identified as Inri Hernandez-Zuniga and Jose Ivan Gomez-Urbina, were Mexican nationals and not the true owners of the resident alien cards presented by Yanet Yecenia Garcia at the Port of Entry.

7. Yanet Yecenia Garcia admitted to CBP officers that the two male passengers in Defendant Vehicle were not her brothers but rather two Mexican nationals that she picked up at a bus station in Nuevo Laredo, Mexico earlier in the day on October 19, 2019. She further admitted that she provided both men with lawful permanent resident alien cards that belonged to her brothers. Yanet

Yecenia Garcia stated that it was her intent to transport the two men to a location on I-35 between mile-marker 40 and 60. Yanet Yecenia Garcia stated that she had smuggled another alien into the United States using one of her brother's entry documents several weeks previously.

8. On November 5, 2019, Yanet Yecenia Garcia was indicted in the Southern District of Texas, case number 5:19-cr-1950, for conspiracy to transport an undocumented alien within the United States in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (v)(I); and on January 7, 2020, she pleaded guilty to the Indictment. Contemporaneous with the entry of her guilty plea, Yanet Yecenia Garcia agreed in writing to a factual stipulation that she knowingly conspired to transport an undocumented aliens within the United States by means of the Defendant Vehicle.

By reason of the foregoing recitations, the Defendant Vehicle is subject to an Order of Forfeiture to the United States of America.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED that if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with Rule G(4)(b).

An answer or a motion under Fed. R. Civ. P. 12 must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint below.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following:

1. That notice of forfeiture issue according to the normal procedure of the Court citing all persons having an interest in the Defendant Vehicle to appear on the return day of said process and make such Claim and Answer as they may have;
2. That a Judgment of Forfeiture be decreed against the Defendant Vehicle;
3. That, following a Judgment of Forfeiture, the Defendant Vehicle be disposed of according to law; and
4. For costs of this action, including costs of seizure and for such additional relief to which Plaintiff may be entitled.

Respectfully submitted,

RYAN K. PATRICK
UNITED STATES ATTORNEY

BY:

s/Mary Ellen Smyth
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VERIFICATION

I, Pedro Muniz am a United States Customs Officer with the United States Department of Homeland Security, Customs and Border Protection. I am currently assigned as a Customs and Border Protection Officer in Laredo, Texas. I declare under the penalty of perjury that I have read the foregoing Verified Complaint for Civil Forfeiture *In Rem* and Notice to Potential Claimants, and that the facts stated in paragraphs 4 through 8 of the Complaint are based upon my personal knowledge, information obtained from other Customs and Border Protection Officers, and upon information I obtained in the course of my investigation. Those facts are true and correct to the best of my knowledge and belief.



Pedro Muniz, CBP Officer
U.S. Dept. of Homeland Security
Customs and Border Protection

State of Texas §
County of Webb §

Sworn to and subscribed before me, the undersigned authority, on the 2nd day of March, 2020.



Alicia M. Laurel
Notary Public, State of Texas

